

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

REMOTELY ADJUSTABLE GASTRIC BANDING DEVICE AND METHOD

The specification of which (check one) is:

☐ attached hereto.

☒ was filed on **February 14, 2005**, as Application No. **10/524,864**.

☐ was described and claimed in PCT Application No. _____ filed on _____ and amended under Article 19 on _____.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose all information I know to be material to patentability in accordance with Title 37, Code of Federal Regulation, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code § 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate or 365(a) of any PCT international application(s) which designated at least one country other than the United States of America, listed below and have also identified below any foreign application(s) for patent or inventor's certificate(s) or any PCT international application(s) having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

<u>Serial Number</u>	<u>Country</u>	<u>Filing Date</u>	<u>Priority Claimed</u> (Y/N)
PCT/US2002/025654	PCT	August 13, 2002	YES

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

<u>Serial Number</u>	<u>Country</u>	<u>Filing Date</u>	<u>Priority Claimed</u> (Y/N)
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I hereby claim the benefit under Title 35, United States Code, § 120 of any United States applications(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date if this application:

<u>Serial Number</u>	<u>Filing Date</u>	<u>Status</u>
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

And I hereby appoint:

Tedd W. Van Buskirk	Reg. No. <u>46,282</u>
Ira J. Schaefer	Reg. No. <u>26,802</u>
Russell DeClerck	Reg. No. <u>46,364</u>
Mitchell S. Feller	Reg. No. <u>42,530</u>
Ernest J. Yakob	Reg. No. <u>45,893</u>
Robert DeMento	Reg. No. <u>54,726</u>

All of the firm of Hogan & Hartson L.L.P., 875 Third Avenue, New York, New York 10022, my attorney with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connection therewith.

Address all communications to:

Tedd W. Van Buskirk
Hogan & Hartson L.L.P.
875 Third Avenue
New York, NY 1022
212-918-3688 (telephone)

Wherefore I request that Letters Patent be granted to me for the invention or discovery described and claimed in the foregoing specification and claims, and I hereby subscribe my name to the foregoing specification and claims, declaration, power of attorney, and this petition.

Name of sole inventor	Frederick L. COE		
Inventor's signature	<i>Frederick L. Coe</i>	Date	6-23-05
Residence	United States		
Citizenship	United States		
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